



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice December 5, 2022

Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to cricker@town.arlington.ma.us by Monday, December 5, 2022 at 3:00 p.m. The Board requests that correspondence that includes visual information should be provided by Friday, December 2, 2022 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, December 5, 2022 at 7:30 PM in the **Arlington Community Center, Main Hall, 27 Maple Street, Arlington, MA 02476**

1. Public Hearing

7:30 p.m.

Docket #3728, 99 Massachusetts Avenue

Notice is herewith given that an application has been filed on November 3, 2022 by 99 Massachusetts Ave LLC, 99 Massachusetts Avenue, Arlington, MA, to open Special Permit Docket #3728 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review. The applicant proposes to convert an existing office building to mixed-use by converting the attic to one residential unit at 99 Massachusetts Avenue in the B2 Neighborhood Business District. The opening of the Special Permit is to allow the Board to review and approve the development under Section 3.4, Environmental Design Review and Section 6.2, Signs.

- Applicant will be provided 10 minutes for an introductory presentation.
- DPCD staff will be provided 5 minutes for an overview of their updated Public Hearing Memorandum.
- Members of the public will be provided time to comment.
- Board members will discuss Docket and may vote

2. Continued Preliminary Discussion of Zoning Amendments

8:00 p.m.

Board will discuss potential zoning amendments, including a memorandum prepared regarding the Board's proposed list of zoning amendments and citizen petitions for Zoning Warrant Articles. This discussion and future discussions will inform the Warrant Article filing process for 2023 Annual Town Meeting.

- DPCD Memo to the Redevelopment Board re: proposed zoning amendments for 2023 Annual Town Meeting

3. Open Forum

9:00 p.m. Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

4. New Business

9:15 p.m.

5. Adjourn

9:30 p.m. Estimated time of Adjournment

6. Correspondence Received

Correspondence received from:
W. Evans 12012022



Town of Arlington, Massachusetts

Public Hearing

Summary:

7:30 p.m.

Docket #3728, 99 Massachusetts Avenue

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ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	EDR_Public_Hearing_Memo_Docket_3728_99_Mass_Ave.pdf	EDR Public Hearing Memo Docket #3728 99 Mass Ave
▢ Reference Material	99_Mass_Ave_Application_Materials.pdf	Docket #3728 99 Mass Ave. Combined Application Materials



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board
From: Claire Ricker, Secretary Ex Officio
Subject: Environmental Design Review, 99 Massachusetts Avenue, Arlington, MA, Docket #3728
Date: December 1, 2022

I. Docket Summary

This is an application by 99 Massachusetts Ave LLC, 99 Massachusetts Avenue, Arlington, MA to open Special Permit Docket #3728 for the conversion of an existing office building to mixed-use by converting the attic to one residential unit at 99 Massachusetts Avenue in the B2 Neighborhood Business District. The opening of the hearing is to allow the Board to review and approve the development under Section 3.4, Environmental Design Review and Section 6.2, Signs of the Arlington Zoning Bylaw.

The Applicant proposes to convert a currently unfinished attic space to a 1,220 square foot two-bedroom residential unit. A building identification sign is proposed for the façade of the new residential unit. All existing commercial office space would remain, although the front entry and interior stair would be renovated, and a new entry and ADA ramp would be constructed for the ground floor commercial unit. The applicant also proposes to add building identification signage to the façade of the new residential unit. Vehicular parking is provided via a surface parking lot in the rear of the property with six parking spaces; the applicant has been asked to provide locations for bicycle parking on a revised site plan, which will be provided at the public hearing on December 5.

Materials submitted for consideration of this application:

- Application for EDR Special Permit, including an Environmental Impact Statement;
- Photos of existing condition and surrounding areas; and

- Site and Architectural Drawing Set, prepared by LR Designs, dated October 31, 2022.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

Mixed-use is allowed by Special Permit in the B2 Neighborhood Business District. The Zoning Bylaw, in Section 5.5.1.D, indicates that the district's predominant uses include small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings, which are allowed and encouraged on Massachusetts Avenue. Mixed-use is a combination of two or more distinct land uses, such as those proposed by this applicant.

The Board can find that this condition is met.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

The requested use is essential and desirable. The second key finding in the Master Plan notes that "Massachusetts Avenue has the capacity for growth. It can support mixed-use development commensurate with its function as Arlington's primary commercial corridor. Massachusetts Avenue is accessible to neighborhoods throughout the town; it has frequent bus service, bicycle routes, and good walkability. Increased density through greater building heights and massing would benefit the corridor from an urban design perspective and benefit the town from a fiscal perspective" (p.8).

This proposal will provide one new two-bedroom residential unit with no change to the amount of commercial space provided. New housing opportunities, including market-rate homes, are needed in the community; while this proposal provides only one unit, it nevertheless helps address that demand.

The ground, first, and second floor commercial spaces will remain and be improved through renovated ground and first floor entries, including the provision of an ADA accessible ramp to the ground floor commercial unit. Overall, there will be no net change to the 4,800 square feet of commercial space.

The Board can find that this condition is met.

3. Section 3.3.3.C.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The proposed project does not change the number of parking spaces provided. Six tandem spaces are currently provided in a surface lot at the rear of the site, accessed from Lee Terrace. Regarding bicycle parking, the applicant has indicated they will provide an updated bicycle parking plan at the December 5, 2022, hearing. Bicycle parking is not currently provided on site. It is not expected that the proposed project will unduly impair pedestrian safety.

4. Section 3.3.3.D.

The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The proposed use would add one residential unit to an existing office building, which has been on the site for many years and has not overloaded any public utilities. The Board can find that this condition is met.

5. Section 3.3.3.E.

Any special regulations for the use as may be provided in the Bylaw are fulfilled.

No special regulations are applicable to this proposal. The Board can find that this condition is met.

6. Section 3.3.3.F.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The proposed addition largely maintains the existing façade for the ground, first, and second floors of the building. The renovated entry appears to use similar materials and reflects the design of the proposed fourth floor addition. The redevelopment of the attic space as a residential unit will not impair the integrity or character of the district or the adjoining districts and it will not be detrimental to health or welfare. The proposed structure is generally consistent with the Design Standards for the Town of Arlington.

The proposed mixed-use building is in keeping with adjacent land uses. Both Massachusetts Avenue and Lee Terrace include residential uses. The new residential unit and conversion of the building to mixed-use will not impair the integrity or character of the district, or the adjoining districts and it will not be detrimental to health or welfare.

7. **Section 3.3.3.G.**

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The use will not be in excess or detrimental to the character of the neighborhood. The Board can find this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The existing property is nearly entirely impervious with the exception of grass strips around the front and sides of the building. There is no natural landscape to preserve with the building and parking lot fully saturating the parcel. The landscaping along the Lee Terrace façade will be removed to provide ADA access to the building. The remaining landscaped areas will be improved with new planting. The Board can find this condition is met.

2. EDR-2 Relation of the Building to the Environment

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

There are a range of architectural styles and zoning districts in the vicinity. The property is in the B2 Zoning District, but within 200 feet are the R1, R2, R3, and B1 Zoning Districts. As such, building heights in the vicinity range from single-story to three and three and a half stories. The primary façade of the building will largely be preserved; however, the entry will be renovated to reflect the design of the fourth floor addition. The applicant proposes to remove the sloped roof and convert the attic to a full fourth floor, which will be set back from the principal façade and Lee Terrace by 7.5 feet.

The applicant has not indicated materials to be used for the addition, however the drawings indicate that a material other than brick will be used. The building includes differentiation and stepping back of the upper story addition, which is encouraged in the Arlington Design Standards. The step-back area is proposed to be used as a balcony for the residential unit, and protected via a glass rail. Along Lee Terrace, the design of the fourth floor is similarly differentiated, although windows of the addition are aligned with the lower story windows.

The renovation of the principal entry improves the relationship between the upper-story addition and the overall building design, and improves the interaction between the sidewalk and the building.

99 Massachusetts Avenue is under the jurisdiction of the Arlington Historical Commission, which will need to review the building design.

The Applicant is proposing a floor area ratio (FAR) of 1.59. The existing building's FAR is 1.27. The Zoning Bylaw allows a maximum FAR of 3.0 for a mixed-use building on a lot less than 20,000 square feet in this zoning district. The proposed height of 40.5 feet is less than the maximum of 50 feet allowed in the Zoning Bylaw.

The Board can find this condition is met.

3. EDR-3 Open Space

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

As noted above, the proposed project will eliminate one strip of pervious area on the Lee Terrace façade in order to provide ADA access to the building, although landscaping will be improved and added to the front and opposite side façade. The property currently has 220 square feet of landscaped area, and 220 square feet of landscaped area is proposed, however because open space is calculated based on gross floor area, the percentage of landscaped open space will be reduced from 4.6% to 3.7%, which is less than the 10% landscaped open space requirement.

The property does not currently have any usable open space, as usable open space is not required for commercial area. The applicant is seeking a waiver from the usable open space requirement as there is no area on the property in which a 25 by 25 square foot usable open space could be introduced, and the residential unit will have access to a 243 square foot balcony.

Lastly, the applicant seeks relief from the required 10-foot landscaped buffer in Section 5.3.21, as a landscaped buffer is precluded by the applicant's need to provide parking on-site in a surface parking lot that extends to the front façade of the abutting property in the R3 District.

4. EDR-4 Circulation

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The property presently includes a total of 6 vehicle and no bicycle parking spaces. The surface parking lot provides 6 spaces for tandem parking for vehicles. Parking access is provided from Lee Terrace. The applicant has not proposed to change the parking lot.

The parking requirement is for mixed-use which calculates the parking required for each individual use; the parking required for the residential use totals 1 parking space, and while the commercial office space would typically require 10 parking spaces, the first 3,000 square feet of non-residential space in mixed-use buildings is exempt from the parking requirements per Section 6.1.10.C.

Pedestrian access to the building would be improved, as a new accessible entry to the ground floor office suite is proposed.

Regarding bicycle parking, the applicant did not propose new short-term or long-term bicycle parking with their original proposal, however it is expected that a plan for bicycle parking will be provided as part of the hearing on December 5.

Vehicle Parking Requirements*			
<u>Residential Use</u>	<u>Number of Units</u>	<u>Zoning Requirement</u>	<u>Total Parking Required</u>
Housing unit	1	1	1
<u>Commercial</u>	<u>Square feet</u>	<u>Zoning Requirement</u>	<u>Total Parking Required</u>
Office	4800	1 per 500sf	4*
Total Required Vehicle Parking			5
Total Proposed Vehicle Parking			6
* First 3,000sf of non-residential space in mixed-use buildings is exempt.			
Bicycle Parking Requirements			
<u>Use</u>	<u>Short-Term Parking</u>	<u>Long-Term Parking</u>	
Residential	0.1	1.5	
Office	2.4	1.44	
Total Required Bicycle Parking	3	3	
Total Proposed Bicycle Parking	n/a	n/a	

The proposed project is highly accessible by transit, bike, and walking. The provided parking is intended for residential and office tenants, with visitors relying on on-street parking. As such, the impact of the trips is dispersed across Massachusetts Avenue.

5. **EDR-5 Surface Water Drainage**

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce

clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas. In accordance with Section 3.3.4., the Board may require from any Applicant, after consultation with the Director of Public Works, security satisfactory to the Board to ensure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the Applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

There will be no changes to existing impervious conditions as part of this proposal. The application indicates that as part of the proposal, stormwater runoff from the roof will be routed to new in-ground structures. The Board may wish to request additional information about the proposed stormwater runoff system, however because there is no increase to impervious surface the proposed design complies with the Town's current stormwater bylaw.

6. EDR-6 Utilities Service

Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

All utility service will be provided through connections to existing utility lines adjacent to the site. The Board can find that this condition is met.

7. EDR-7 Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

The application materials show a representative building identification sign on the façade of the proposed fourth floor addition. Under Section 6.2.1(E)(4), building identification signs not exceeding four square feet in area on mixed-use buildings are exempt from the Sign Bylaw.

Any future signage would be subject to review by the Department of Planning and Community Development, and possibly the Redevelopment Board, prior to the issuance of a sign permit. Additionally, if any lighting or other potential outdoor features relative to the building are proposed they should be provided.

8. EDR-8 Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

No special features are proposed. The Board can find that this condition is met.

9. EDR-9 Safety

With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

The proposed building has been designed to meet all relevant health and safety codes. The Board can find that this condition is met.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal, or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The property at 99 Massachusetts Avenue is listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*. As such, this property is under the jurisdiction of the Arlington Historical Commission, which will need to review the building design. This permit shall be conditioned on their approval.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

There are no proposed changes that would affect the microclimate. The Board can find that this condition is met.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council

Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

A LEED checklist was not provided; however, the applicant is intending to provide this information by the opening of the public hearing.

IV. Findings

The following findings are for the Board's consideration:

1. The ARB finds that the project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw.

V. Conditions

A. General

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board or administratively approved by the Department of Planning and Community Development. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions, or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The

applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.

7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.
9. Upon the issuance of the building permit the Applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
10. This project must be further reviewed and approved by the Arlington Historical Commission.



TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design
Review Procedures (Section 3.4 of the Zoning Bylaw)

Docket No. 3728

1. Property Address 99 Mass Ave
Name of Record Owner(s) 99 Massachusetts ave llc Phone 617-272-0842
Address of Owner 99 Mass ave, Arlington, MA
Street City, State, Zip
2. Name of Applicant(s) (if different than above) James Rissling, LR Designs, Inc.
Address 64 Allston Street #3 Phone (617)680-4595
Status Relative to Property (occupant, purchaser, etc.) Architect
3. Location of Property 023 0001 0024
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Registry of deeds, Book _____, Page _____;
-or- registered in Land Registration Office, Cert. No. _____, in Book _____, Page _____.
5. Present Use of Property (include # of dwelling units, if any) COMMERCIAL/OFFICE
6. Proposed Use of Property (include # of dwelling units, if any) MIXED-USE; COMMERCIAL/OFFICE &
ONE DWELLING UNIT
7. Permit applied for in accordance with 5.5.3 Use Regulations for Business Districts: other principal
the following Zoning Bylaw section(s) _____ uses, mixed use allowed by Special Permit
_____ title(s)
_____ section(s)
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in
understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

(In the statement below, strike out the words that do not apply)

The applicant states that 99 Massachusetts ave llc is the owner -or- occupant -or- purchaser under agreement of the
property in Arlington located at 99 Mass Ave
which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board
of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply
with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment
Board, should the permit be granted.

James Rissling

Signature of Applicant(s)

64 Allston Street #3, Cambridge, MA

Address

(617) 588-2113 x700 (617) 680-4595

Phone

PLANNING & COMMUNITY
DEVELOPMENT
2022 NOV - 3 P 12:22
TOWN CLERK'S OFFICE
ARLINGTON, MA 01914
2022 NOV - 9 PM 2:50



Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested. Review the ARB's Rules and Regulations, which can be found at arlingtonma.gov/arb, for the full list of required submittals.

- ☒ Dimensional and Parking Information Form (see attached)
- ☒ Site plan of proposal
- ☐ Model, if required
- ☒ Drawing of existing conditions
- ☒ Drawing of proposed structure
- ☒ Proposed landscaping. May be incorporated into site plan
- ☒ Photographs
- ☒ Impact statement
- ☐ Application and plans for sign permits
- ☐ Stormwater management plan (for stormwater management during construction for projects with new construction)

FOR OFFICE USE ONLY

- | | |
|---|----------------------------|
| <input type="checkbox"/> Special Permit Granted | Date: <input type="text"/> |
| <input type="checkbox"/> Received evidence of filing with Registry of Deeds | Date: <input type="text"/> |
| <input type="checkbox"/> Notified Building Inspector of Special Permit filing | Date: <input type="text"/> |

TOWN OF ARLINGTON REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see Section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

1. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.
3. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.
4. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
5. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

6. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
7. Advertising Features. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw.

8. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
9. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
10. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
11. **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.
12. **Sustainable Building and Site Design.** Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project. [LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b>]

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw):

1. The use requested is listed as a special permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.
2. The requested use is essential or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
5. Any special regulations for the use as may be provided in this Bylaw are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.
7. The requested use will not, by its addition to a neighborhood, cause an excess of the particular use that could be detrimental to the character of said neighborhood.

TOWN OF ARLINGTON

Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. 3728

Property Location 99 Mass Ave

Zoning District B-2

Owner: 99 Massachusetts ave LLC

Address: 99 Mass Ave

Present Use/Occupancy: No. of Dwelling Units:

Commercial/Office

Uses and their gross square feet:

Office: 4,800 gsf; Attic: 314 gsf

Proposed Use/Occupancy: No. of Dwelling Units:

Mixed-use: Commercial/Office & One Dwelling Unit

Uses and their gross square feet:

Office: 4,800 gsf; Dwelling Unit: 1,220 gsf

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	3,776	3,776	min. ----
Frontage	40	40	min. 50
Floor Area Ratio	1.27	1.59	max. 1.5 (3.0)
Lot Coverage (%), where applicable	42	42	max. ----
Lot Area per Dwelling Unit (square feet)	na	na	min. ----
Front Yard Depth (feet)	2.3	2.3	min. ----
Side Yard Width (feet) right side	5.2	5.2	min. ----
left side	2.8	2.8	min. ----
Rear Yard Depth (feet)	36.9	36.9	min. 15
Height			min.
Stories	3	4	stories 4
Feet	34.1	40.5	feet 50
Open Space (% of G.F.A.)	5	3.6	min. 10
Landscaped (square feet)	220	220	(s.f.) 602 (0.10*6,020)
Usable (square feet)	0	0	(s.f.) 244 (0.20*1220)
Parking Spaces (No.)	6	6	min. 6
Parking Area Setbacks (feet), where applicable			min.
Loading Spaces (No.)	0	0	min. 0
Type of Construction	III-B & V-B		
Distance to Nearest Building	18'	18'	min.

99 Mass Ave, Arlington, MA: Impact Statement Regarding Special Permit for Mixed-Use Use

99 Mass Ave., Arlington, MA is currently a professional office building: primarily business use "B". It contains approximately 4,800 gross square feet on three levels, with two levels above the grade plane and one level one-half story below. Work includes construction of a dwelling unit at the current attic level. This work shall include extending new stairs to the fourth story, new exterior walls & partitions, a new bathroom, and kitchen, and extending systems to the new story. Work will include replacing the existing roof with a new story and balcony at the existing attic floor level.

Environmental Design Review:

1. Preservation of Landscape: The existing structure at 99 Mass Ave fills much of the front portion of the site and has very little landscape around the perimeter of the building, the available landscape area will be enhanced with new planting.
2. Relation of Building to Environment: This site is currently fully developed as are most of the sites surrounding it. The project site is in Business B-2 zoning district, abutting B-2 to the left and R-3 to the rear and right, across Lee Terrace. This section of Mass Ave consists of smaller scale commercial buildings and 2 ½ and 3 story residential structures containing both residential and commercial uses. The current building's first story is slightly below grade with two stories fully above grade. Although the first story is considered a story above grade, the impression of the building is that of a two and a half story. With the added story it will appear as three and a half story structure.
3. Open Space: The structure fills the front portion of the site, creating a street wall, with minimal bordering landscape. There will be no reduction to this area and what exists will be enhanced with new planting.
4. Circulation: Access to the building will be unchanged and the project presents no negative affect on the circulation of adjacent uses or structures.
5. Surface Water Drainage: Surface water shall be controlled during construction to prevent erosion or damage to site and adjacent sites. After construction, roof runoff shall be directed to new in ground structures. The addition of the new story does not increase the surface area of the site.
6. Utilities: Existing overhead utilities may be put underground if feasible. The existing sewer connection will be evaluated and maintained.
7. Advertising Features: There are no advertising features as part of the completed project.
8. Special Features: All features shall be residential in nature.
9. Safety: The new layouts featuring two side-by-side dwelling units will encourage physical and visual access of the surrounding yards and parking areas. The yard will remain fenced in to limit unwanted access into and through the site.
10. Heritage: The structure at 99 Mass Ave. is not historic, although the project intent is to update and enhance the existing structure, it's primary features will remain unchanged.
11. Microclimate: The additions to the existing house still leave much of the site open for landscape and outdoor enjoyment.
12. Sustainable Building and Site Design: The renovation and additions will be executed using best practices, durable materials and efficient systems resulting in efficient and practically new construction dwellings.

Special Permit Criteria:

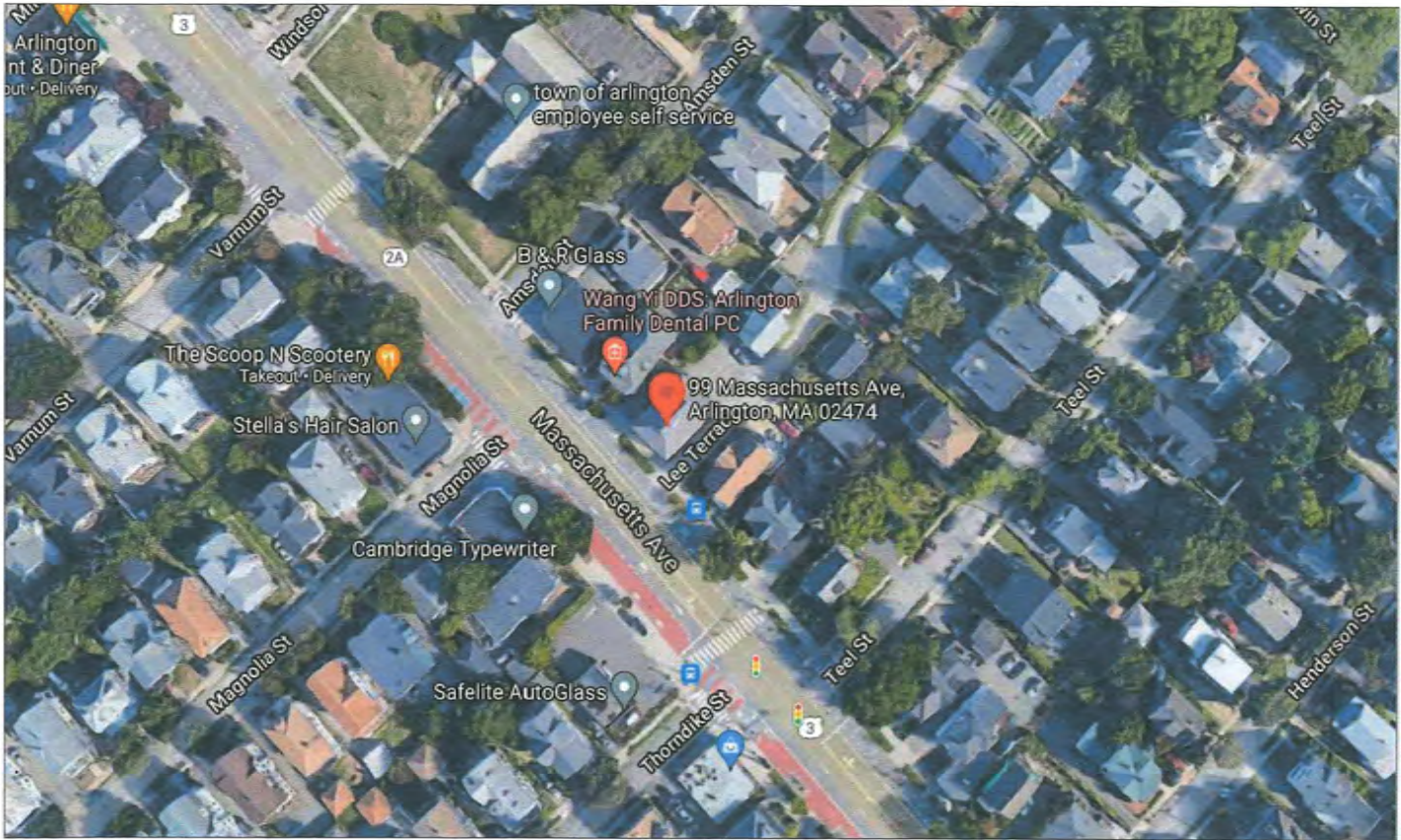
1. The use requested is listed as a Special Permit in Section 5.5.3 Use Regulations for Business Districts.
2. The requested use is essential or desirable to the public convenience or welfare: The addition of a dwelling unit creates 24-hour use of the building, a use in harmony with other residences and offices in this part of Mass Ave.
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety: The single unit will have two bedrooms, appealing to a small household of 1 to 3 persons. The occupants will have convenient access to Mass Ave and available transportation.
4. The requested use will not overload any public water, drainage, or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare: The dwelling unit is a complimentary use of the services provided to the office(s) by day; utilizing the same services at night and weekends.
5. Any special regulations for the use as may be provided in this Bylaw are fulfilled: 5.3.17 Upper Story Setback is met.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare: The addition of the dwelling unit within the new story will be in character with the various uses and varied architecture of the district.
7. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood: The neighborhood has a mix of uses, including dwellings, offices, and shops along Mass Ave. This project will be harmonious to the adjacent uses and will provide the potential of increased surveillance of the neighborhood.



99 MASS AVE FRONT VIEW



99 MASS AVE REAR VIEW



PROJECT LOCATION:
99 Mass Ave
Arlington, MA
ZONING DISTRICT: BUSINESS B

LIST OF DRAWINGS

	SPECIAL PERMIT
ISSUED	OCTOBER 31, 2022
COVER	●
Z0.1 ZONING INFORMATION: SITE DIAGRAM	●
EX1.1 EXISTING CONDITIONS: PLANS	●
EX1.1 EXISTING CONDITIONS: PLANS	●
EX(A)1.2 EXISTING & PROPOSED PLANS	●
EX2.1 EXISTING CONDITIONS: ELEVATIONS	●
EX2.2 EXISTING CONDITITIONS: ELEVATIONS	●
A2.1 ELEVATIONS: EXISTING & PROPOSED	●
A2.2 ELEVATIONS: EXISTING & PROPOSED	●
A2.3 ELEVATIONS: EXISTING & PROPOSED	●
A2.4 ELEVATIONS: EXISTING & PROPOSED	●

LR Designs
DESIGNERS, ARCHITECTS, DEVELOPMENT ADVISORS
64 ALLSTON STREET, SUITE 2
CAMBRIDGE, MA 02139
617.588.2113
LRDESIGNING.COM

Project Title:
99 Mass Ave
Arlington, MA

Drawing Title:
General Information

Revisions:
Description date

Project # 21041

Scale: as noted

Date: Oct. 31, 2022

Drawing #
COVER



ZONING DATA PER §5.5.2 - TABLES OF DIMENSIONAL AND DENSITY REGULATIONS

	ZONING DISTRICT - B2 (MIXED-USE <= 20,000 SQ. FT.)	ALLOWED/ REQUIRED	EXISTING	PROPOSED	COMPLIANCE
A	MINIMUM LOT SIZE (S.F.)	---	±3,776	NO CHANGE	CONFORMS
B	MIN. FRONTAGE (FT)	50	40	NO CHANGE	EXISTING NON-CONF.
C	FLOOR AREA RATIO MAX. (FAR)	1.5 (3.0)	1.27	1.59	CONFORMS
D	LOT COVERAGE MAX. (%) 1,600 SF / 3,776 SF = 42	35	42	NO CHANGE	EXISTING NON-CONF.
E	MINIMUM LOT AREA PER DWELLING UNIT (S.F.)	NA	--	--	NA
F	MIN. FRONT YARD (FT) MASS AVE.	---	2.3	NO CHANGE	CONFORMS
G	MIN. FRONT YARD (FT) LEE TERR.	---	5.2	NO CHANGE	CONFORMS
	MIN. SIDE YARD - LEFT	---	2.8	NO CHANGE	CONFORMS
H	MIN. REAR YARD (FT)	10+(L/10) = 15	36.9	NO CHANGE	CONFORMS
I	MAX. HEIGHT (STORIES / FT)	4 / 50	3 / 34.1	4 / 40.5	CONFORMS
J	OPEN SPACE: MIN. LANDSCAPED AREA (%)	10	5	3.6	EXISTING NON-CONF.
K	OPEN SPACE: MIN. USABLE AREA (%)	20	NONE	0	
\$6.1.4	MIN. NO. OF PARKING SPACES	5	6	NO CHANGE	CONFORMS

PARKING CALCULATION:

EXISTING SPACES PROVIDED:	6
PARKING REQUIRED:	
BUSINESS USE: 1/500 GSF	4,800 SF
Mixed-Use development parking exemption per Section 6.1.10.C	-3,000 SF
TOTAL	1,800 SF = 4
NEW RESIDENTIAL USE: 1 DU/1.5	= 1.5
TOTAL SPACES REQUIRED	= 6

PROJECT DESCRIPTION:

99 MASS AVE., ARLINGTON, MA IS CURRENTLY A PROFESSIONAL OFFICE BUILDING; PRIMARILY BUSINESS USE "B". IT CONTAINS APPROXIMATELY 4,800 GROSS SQUARE FEET ON THREE LEVELS, WITH TWO LEVELS ABOVE THE GRADE PLANE AND ONE LEVEL ONE-HALF STORY BELOW. WORK INCLUDES CONSTRUCTION OF A DWELLING UNIT AT THE CURRENT ATTIC LEVEL. THIS WORK SHALL INCLUDE EXTENDING THE STAIRS TO THE THIRD FLOOR, NEW EXTERIOR WALLS & PARTITIONS, A NEW BATHROOM AND KITCHEN, AND EXTENDING SYSTEMS TO THE FOURTH LEVEL. WORK WILL INCLUDE REPLACING THE EXISTING ROOF WITH A NEW STORY AND BALCONY AT THE EXISTING ATTIC FLOOR LEVEL.

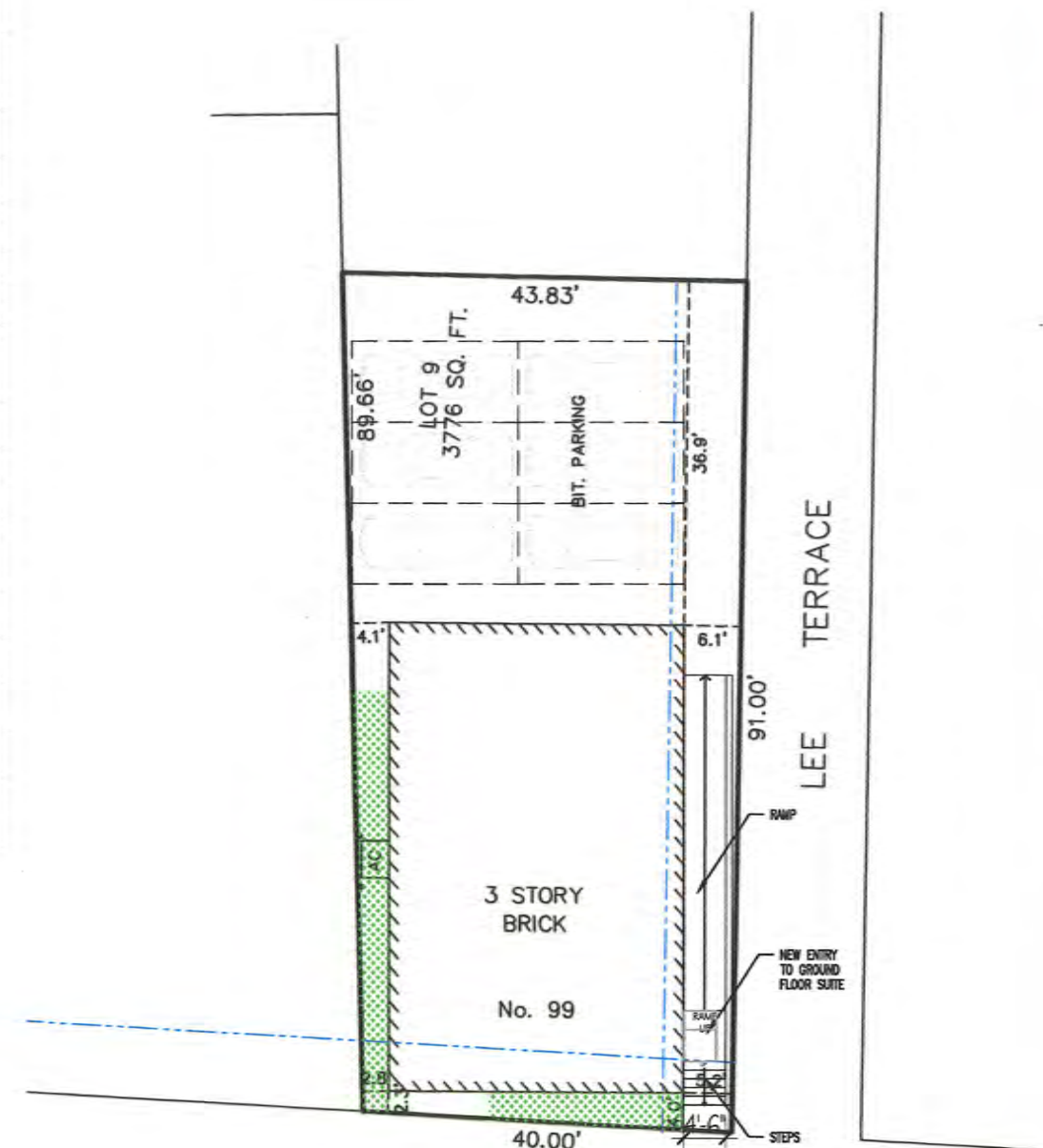
PROJECT ASSUMPTIONS:

- Zoning:
Mixed-Use <= 20,000SF:
- Increased FAR
 - 3,000SF Parking Calculation Deduction
 - Requires Special Permit
 - 4 Stories
 - 4th Story Step-back
 - Existing Parking

Life Safety:

Recommend Automatic Sprinkler System:

- Increased Travel Distance
- Allows Uses above Grade Plane



MASSACHUSETTS AVENUE

ZONING SITE DIAGRAM
1" = 20'

SITE DIAGRAM BASED ON SURVEY BY:
AGH ENGINEERING, STOUGHTON, MA
FEB. 3 2016

Project Title:
99 Mass Ave
Arlington, MA

Drawing Title:
Zoning Information

Revisions:
Description date

Project #
21041

Scale:
as noted

Date:
Oct. 31, 2022

Drawing #
Z0.1



VIEW OF SOUTHWEST CORNER



VIEW OF NORTHEAST CORNER



VIEW ACROSS LEE TERRACE



VIEW LOOKING DOWN MASS AVE



VIEW OF SOUTH SIDE OF MASS AVE



Project Title:
99 Mass Ave
Arlington, MA

Drawing Title:
Photos

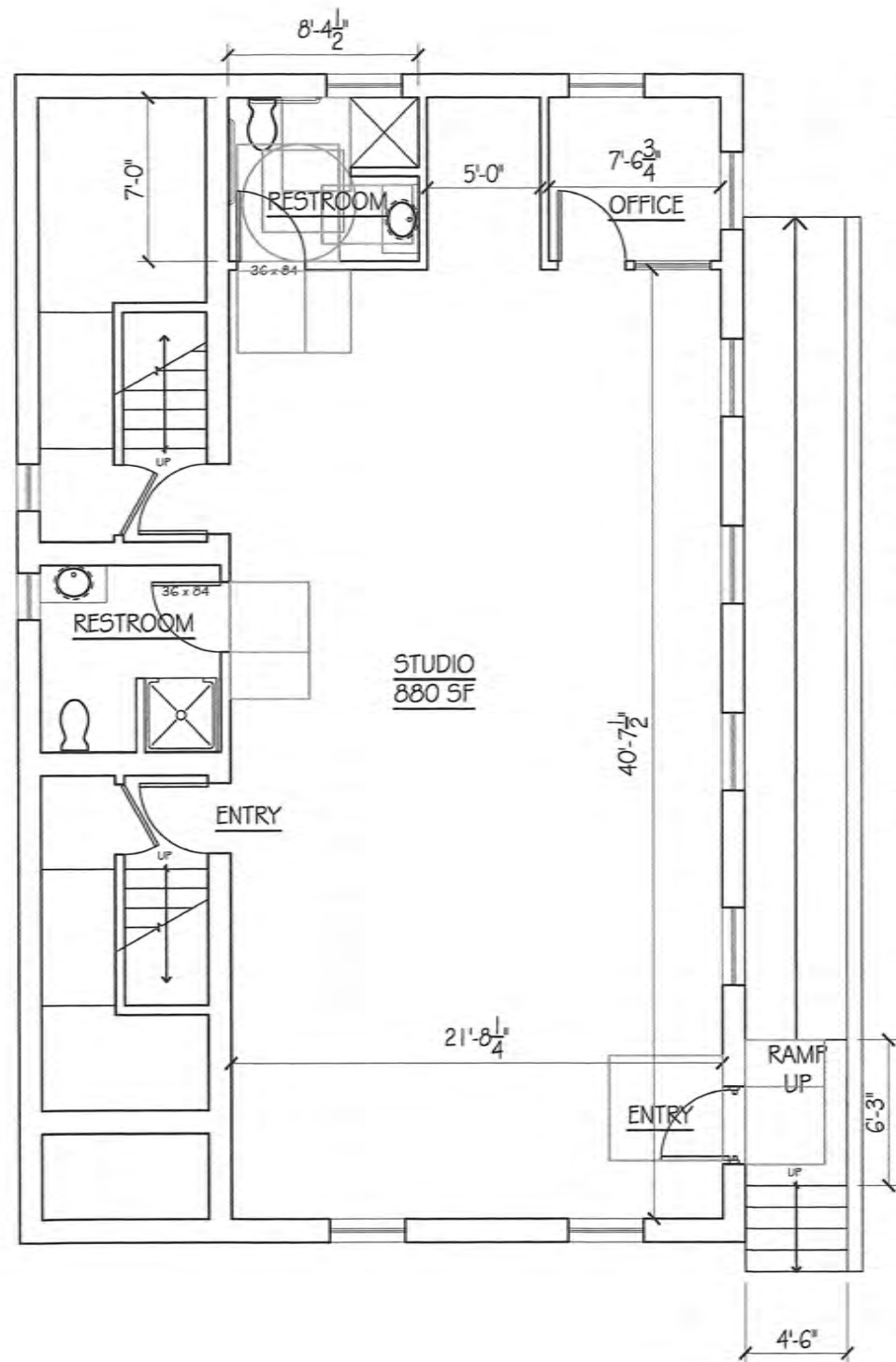
Revisions:		
#	Description	date

Project # 21041

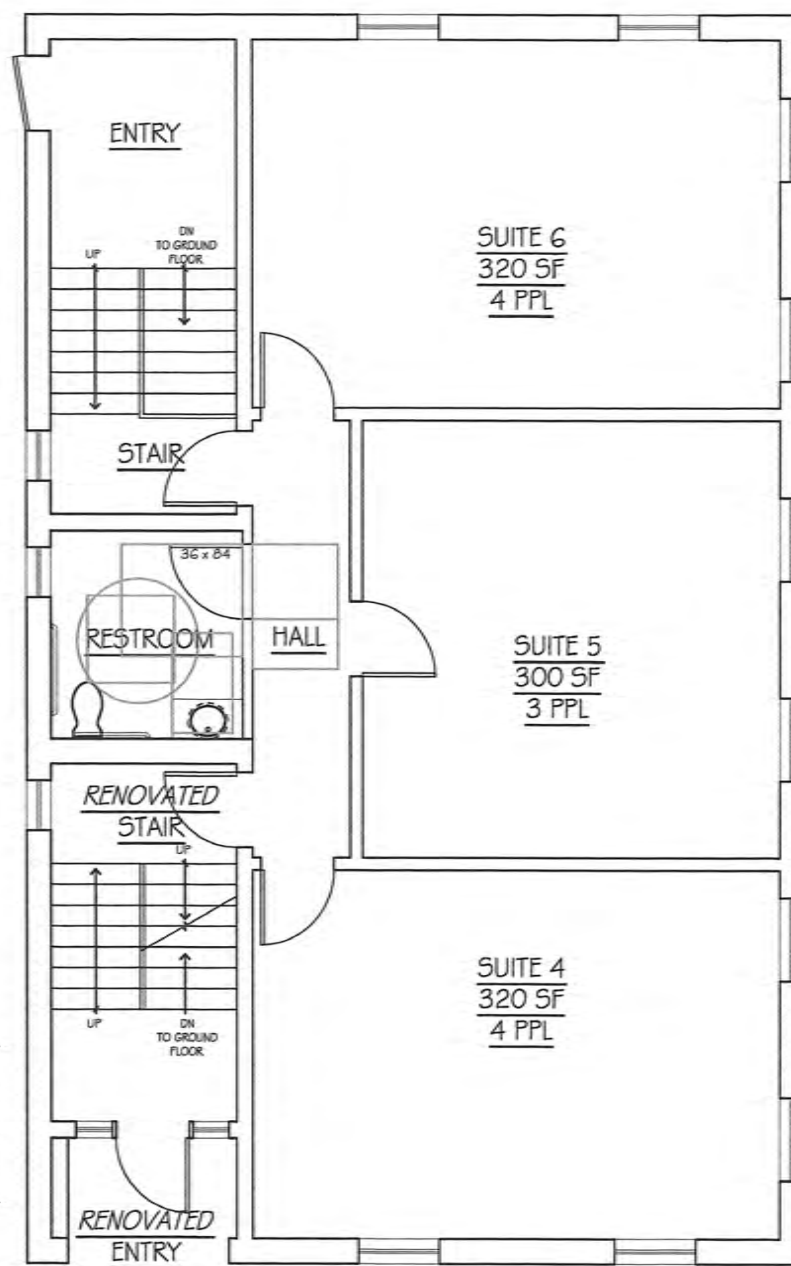
Scale: as noted

Date: Oct. 31, 2022

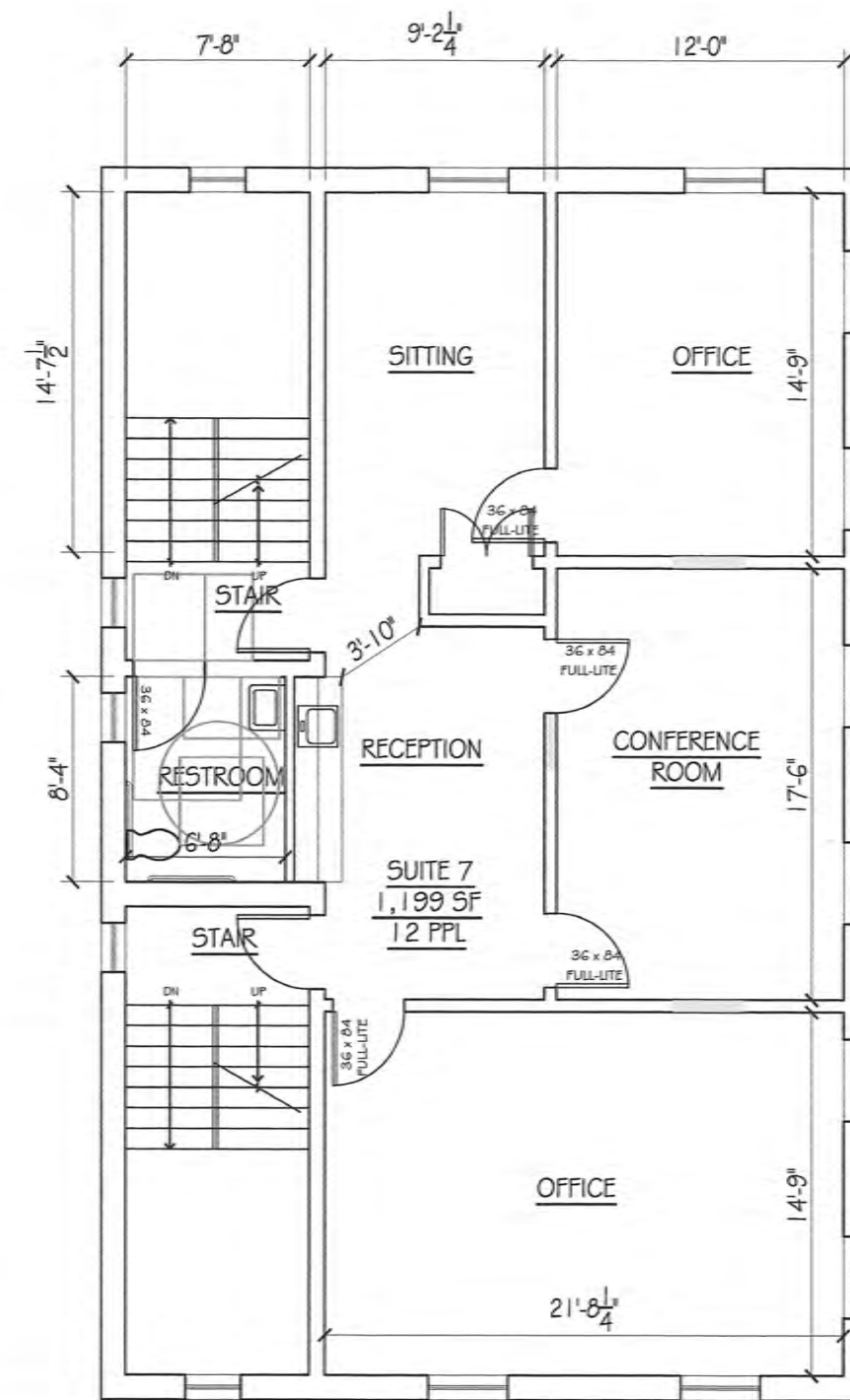
Drawing #
P1.1



GROUND FLOOR PLAN - 1,600 GSF
1/8" = 1'-0"



FIRST FLOOR PLAN - 1,600 GSF
1/8" = 1'-0"



SECOND FLOOR PLAN - 1,600 GSF
1/8" = 1'-0"

Project Title:
**99 Mass Ave
Arlington, MA**

Drawing Title:
**EXISTING CONDITIONS:
PLANS**

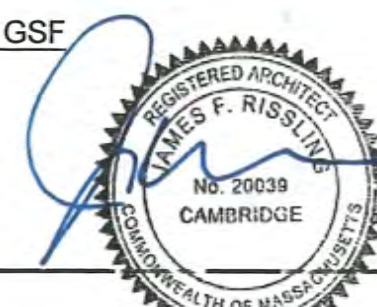
Revisions:
Description date

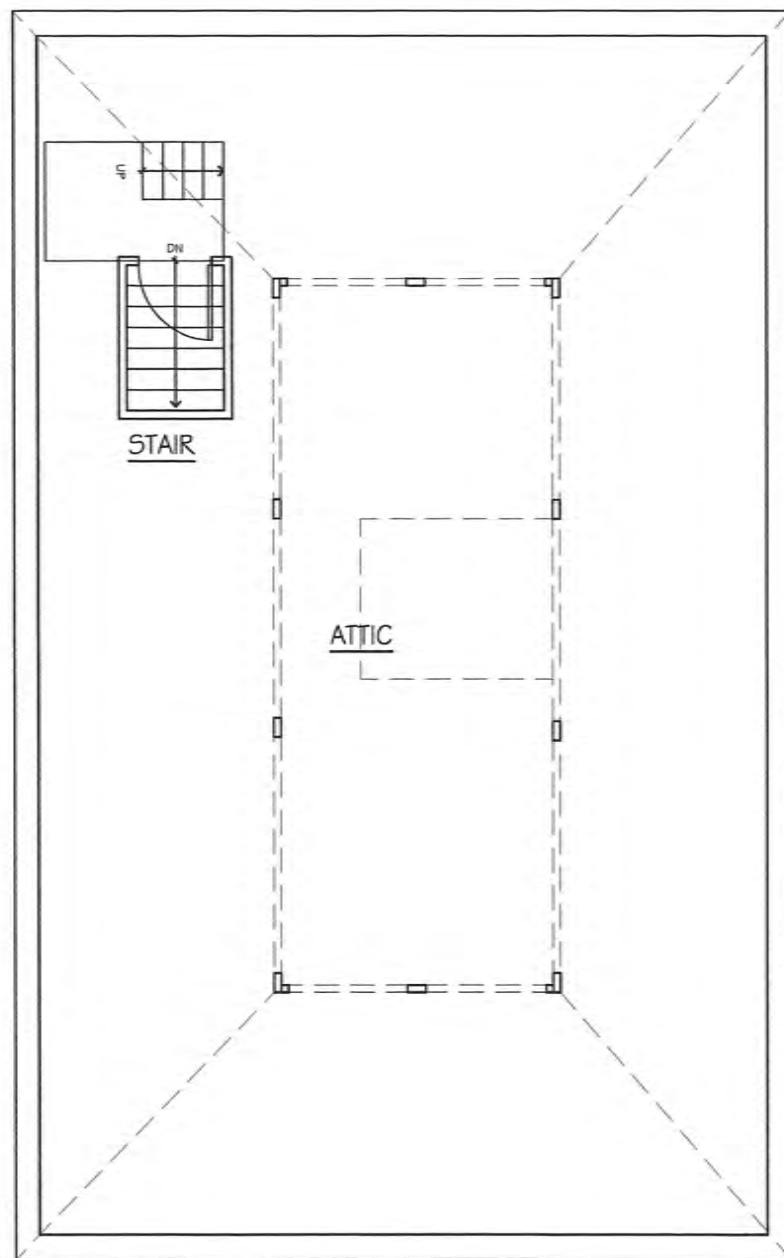
Project #
21041

Scale:
1/8" = 1'-0"

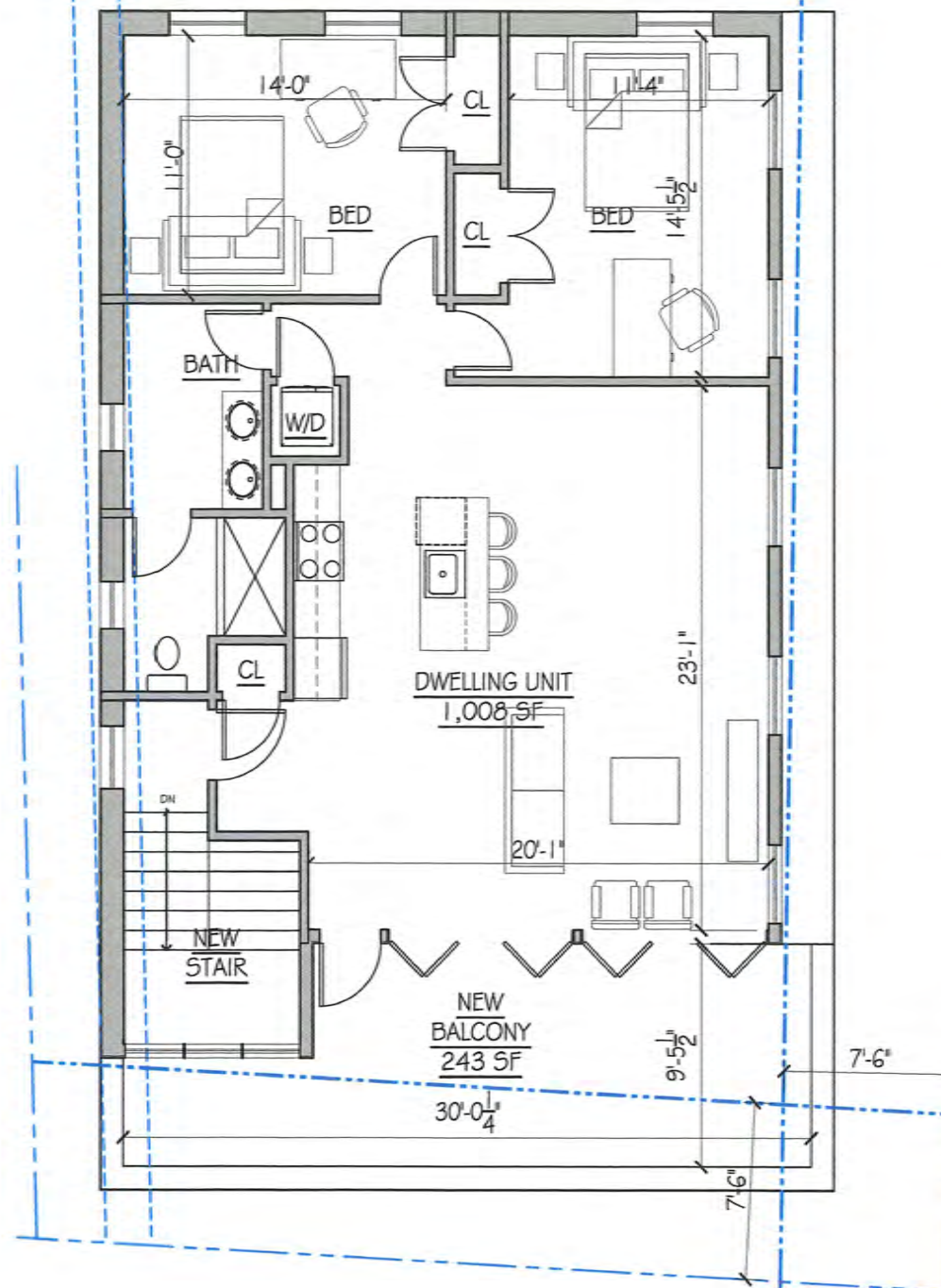
Date:
Oct. 31, 2022

Drawing #
EX1.1





ATTIC FLOOR PLAN - 314 SF > 7' HGT.
1/8" = 1'-0"



PROPOSED FLOOR PLAN - 1,220 SF
1/8" = 1'-0"



Project Title:
99 Mass Ave
Arlington, MA

Drawing Title:
**EXISTING &
PROPOSED PLANS:
ATTIC / FOURTH STORY**

Revisions:
Description date

Project #
21041

Scale:
1/8" = 1'-0"

Date:
Oct. 31, 2022

Drawing #
EX(A)1.2

Project Title:
**99 Mass Ave
Arlington, MA**

Drawing Title:
**EXISTING CONDITIONS:
EXTERIOR ELEVATIONS**

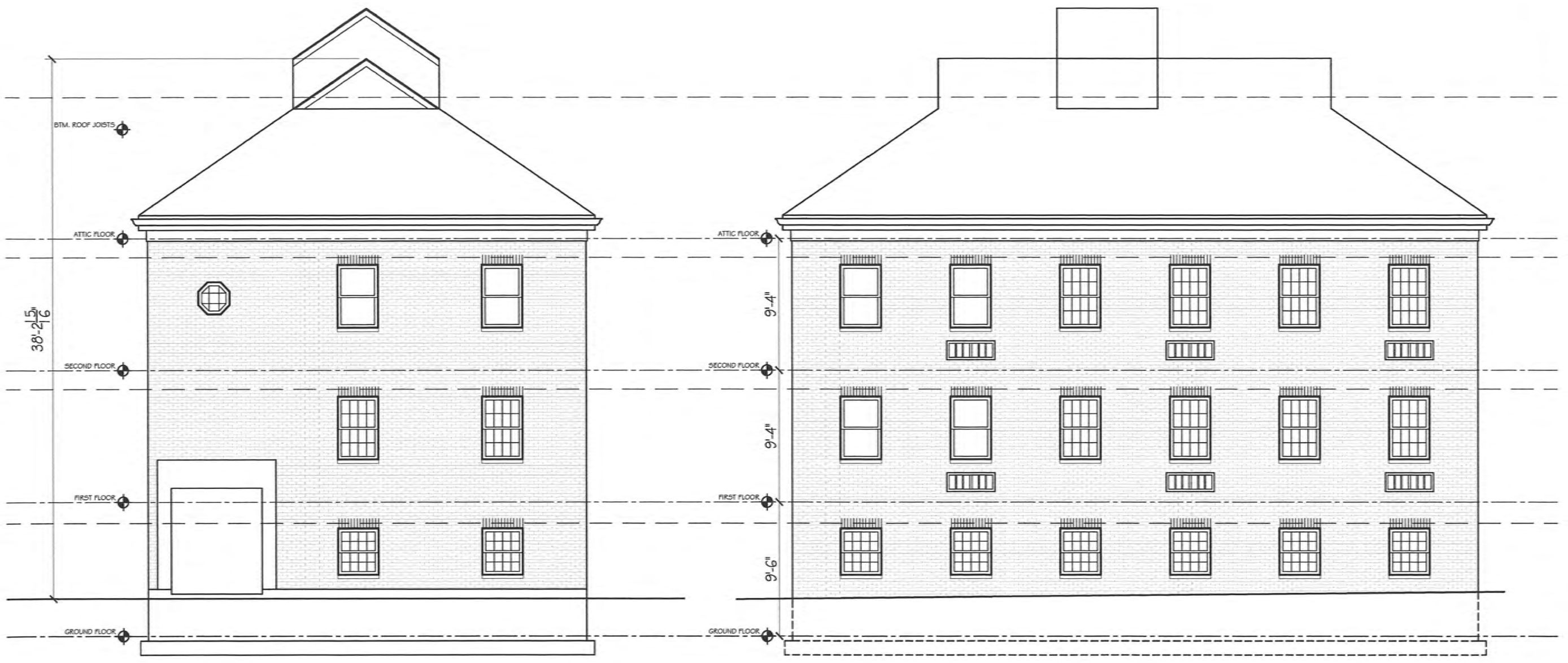
Revisions:
Description date

Project #
21041

Scale:
1/8" = 1'-0"

Date:
Oct. 31, 2022

Drawing #
EX2.1



FRONT ELEVATION
1/8" = 1'-0"

RIGHT SIDE ELEVATION
1/8" = 1'-0"



Project Title:
**99 Mass Ave
Arlington, MA**

Drawing Title:
**EXISTING CONDITIONS:
EXTERIOR ELEVATIONS**

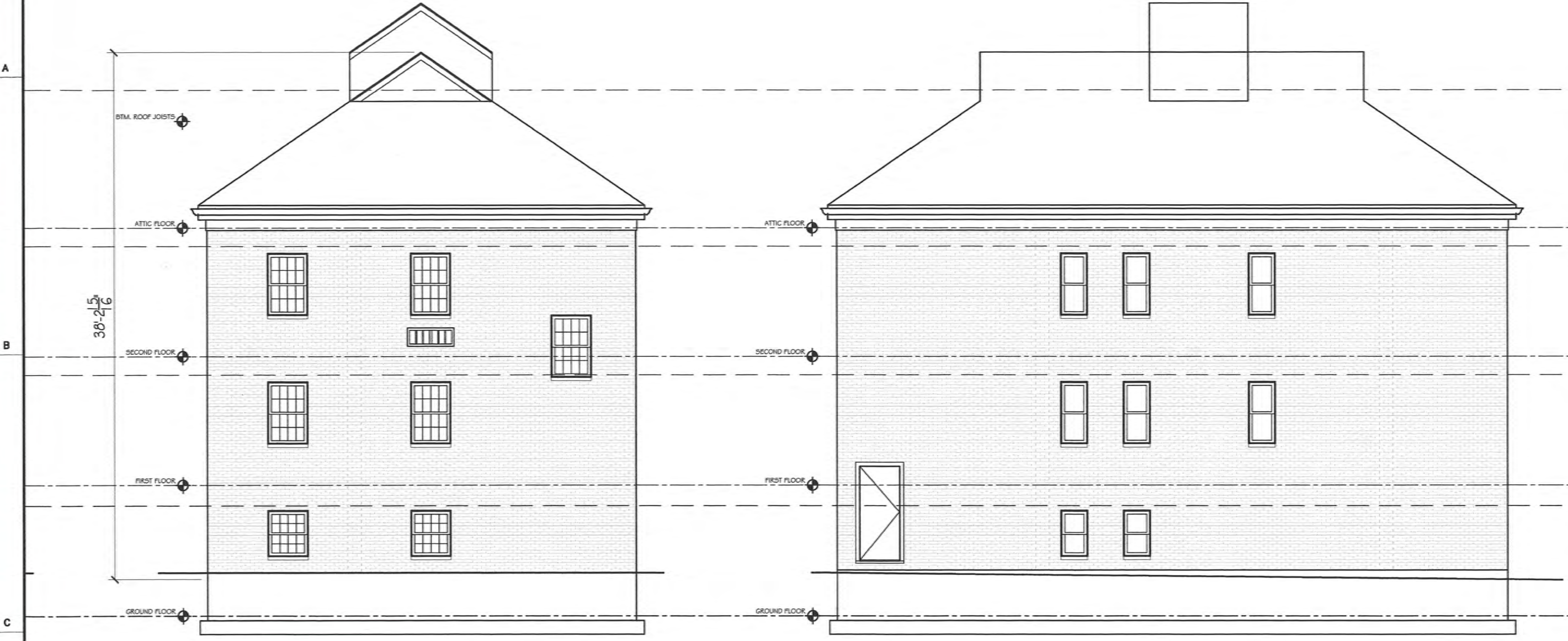
Revisions:
Description date

Project #
21041

Scale:
1/8" = 1'-0"

Date:
Oct. 31, 2022

Drawing #
EX2.2



REAR ELEVATION
1/8" = 1'-0"

LEFT SIDE ELEVATION
1/8" = 1'-0"

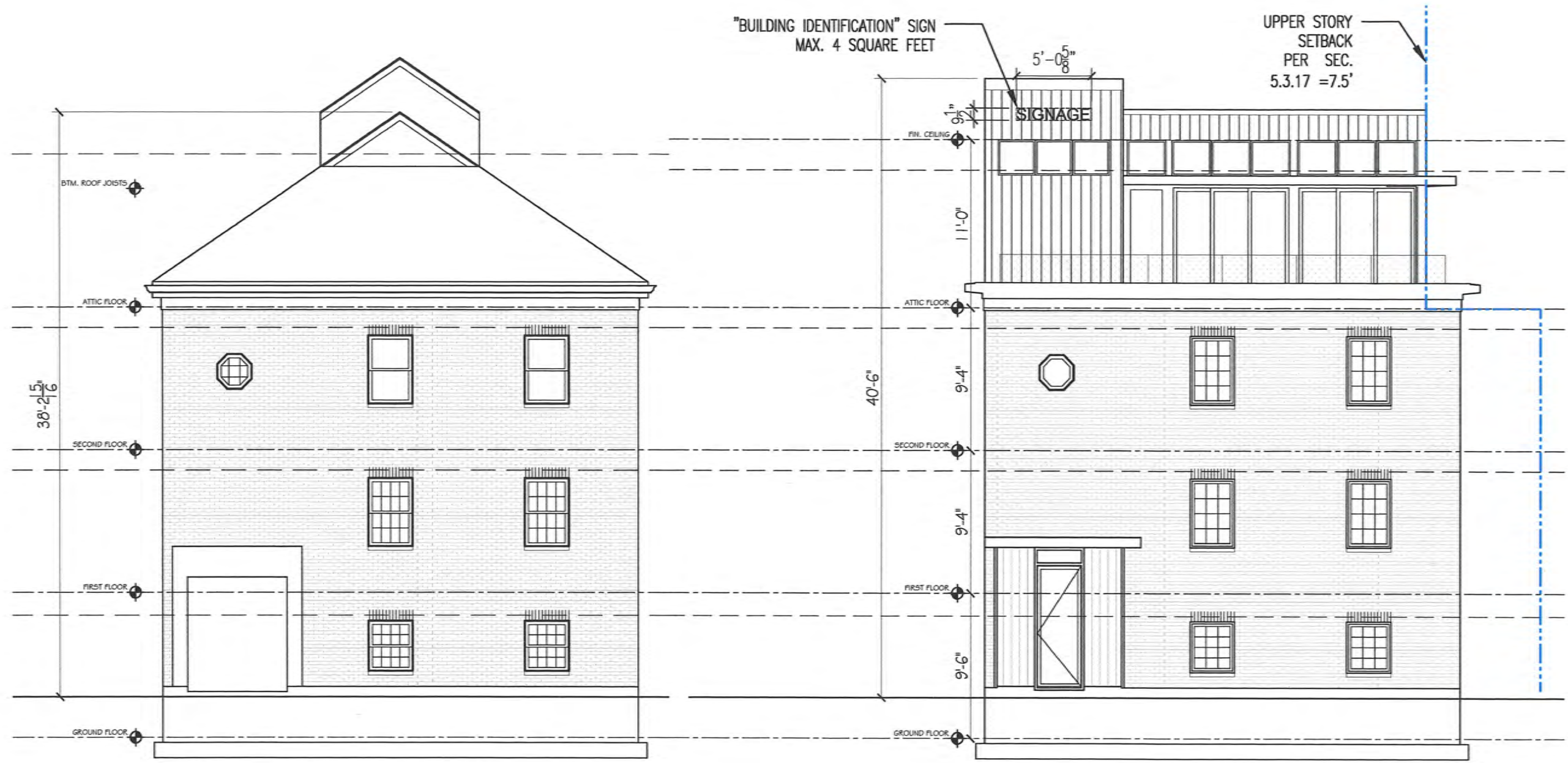


Project Title:
**99 Mass Ave
Arlington, MA**

Drawing Title:
**ELEVATIONS
EXISTING & PROPOSED**

Revisions:		
#	Description	date

Project #	21041
Scale:	1/8" = 1'-0"
Date:	Oct. 31, 2022
Drawing #	A2.1

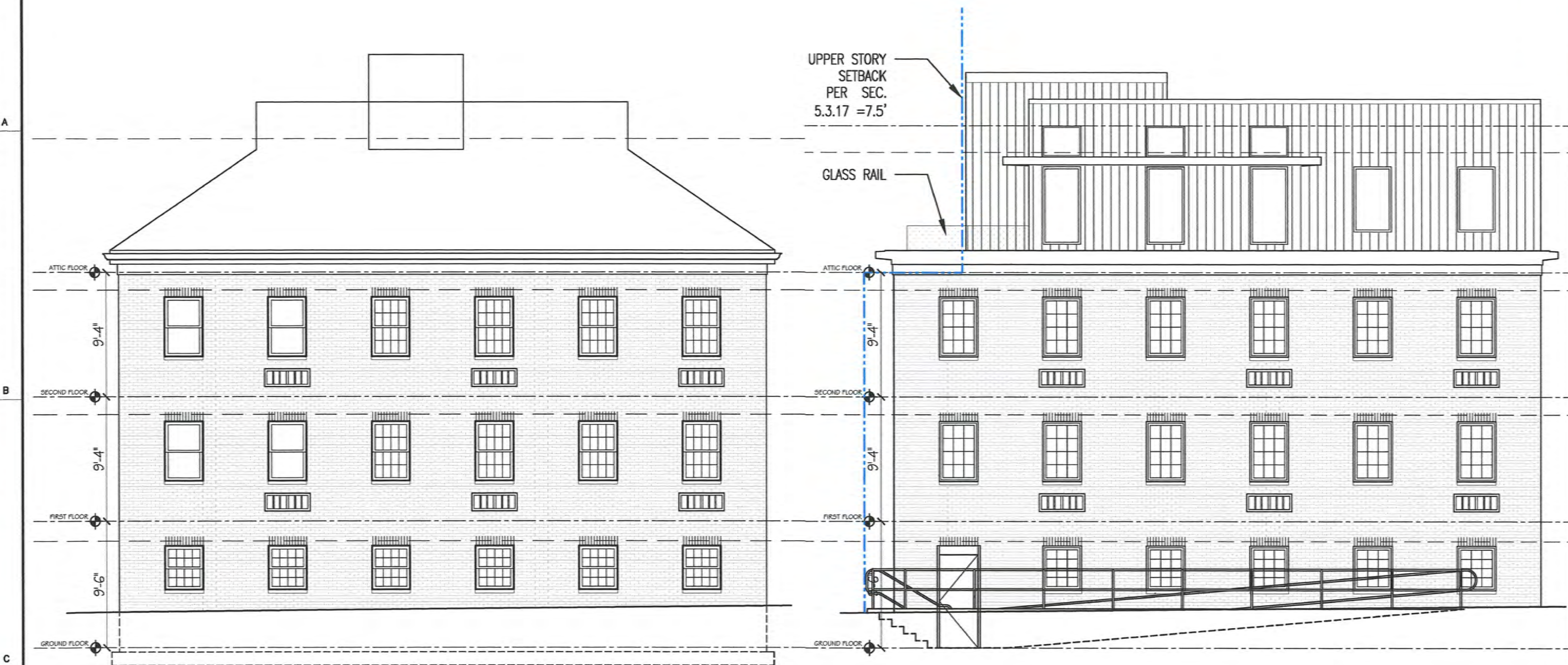


Project Title:
**99 Mass Ave
Arlington, MA**

Drawing Title:
**ELEVATIONS
EXISTING & PROPOSED**

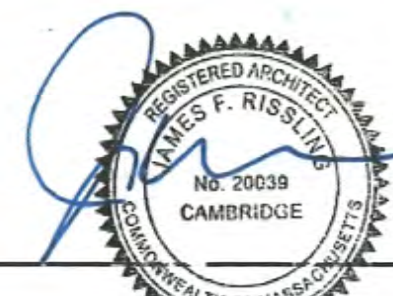
Revisions:		
#	Description	date

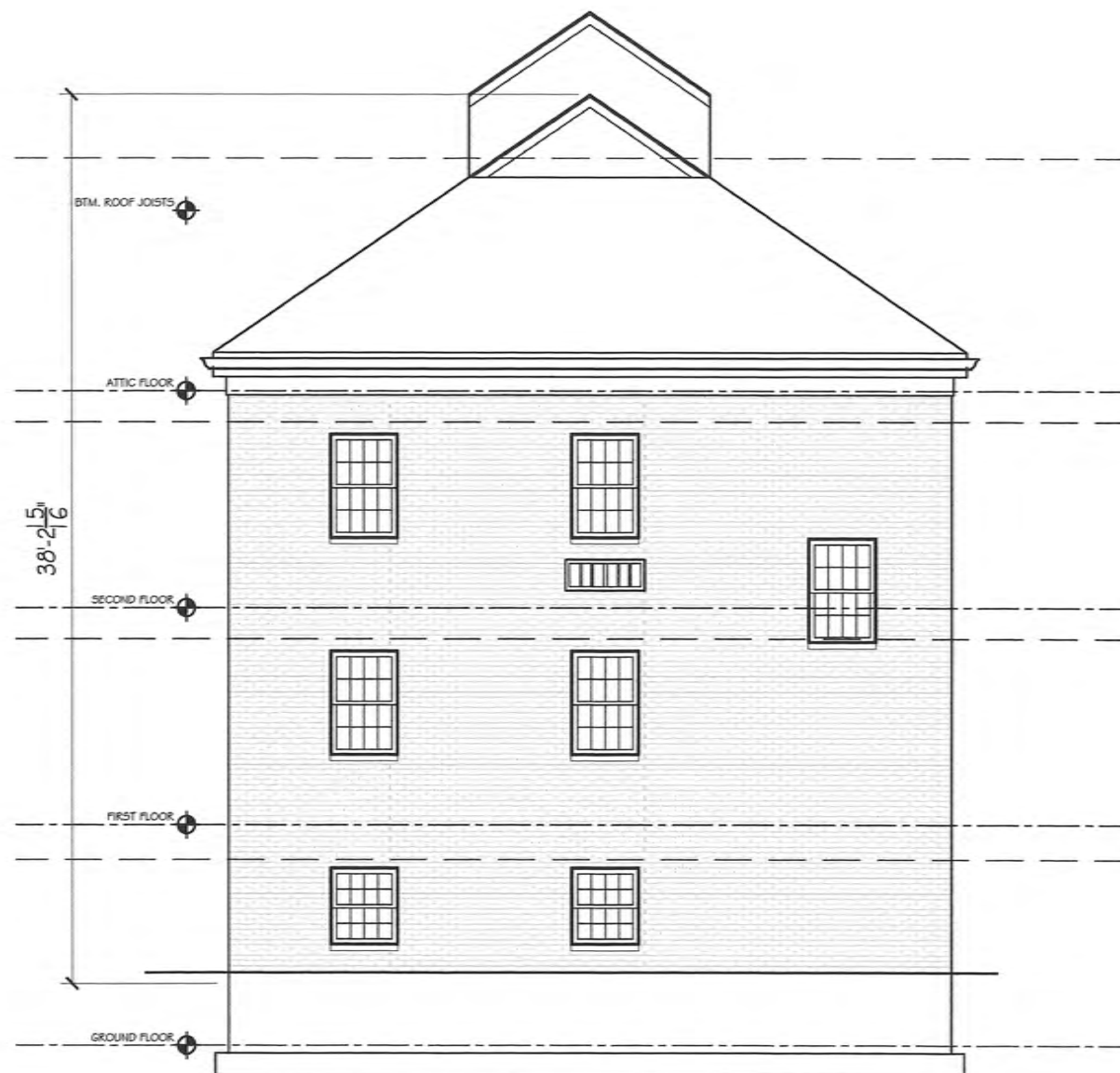
Project # 21041
Scale: 1/8" = 1'-0"
Date: Oct. 31, 2022
Drawing # **A2.2**



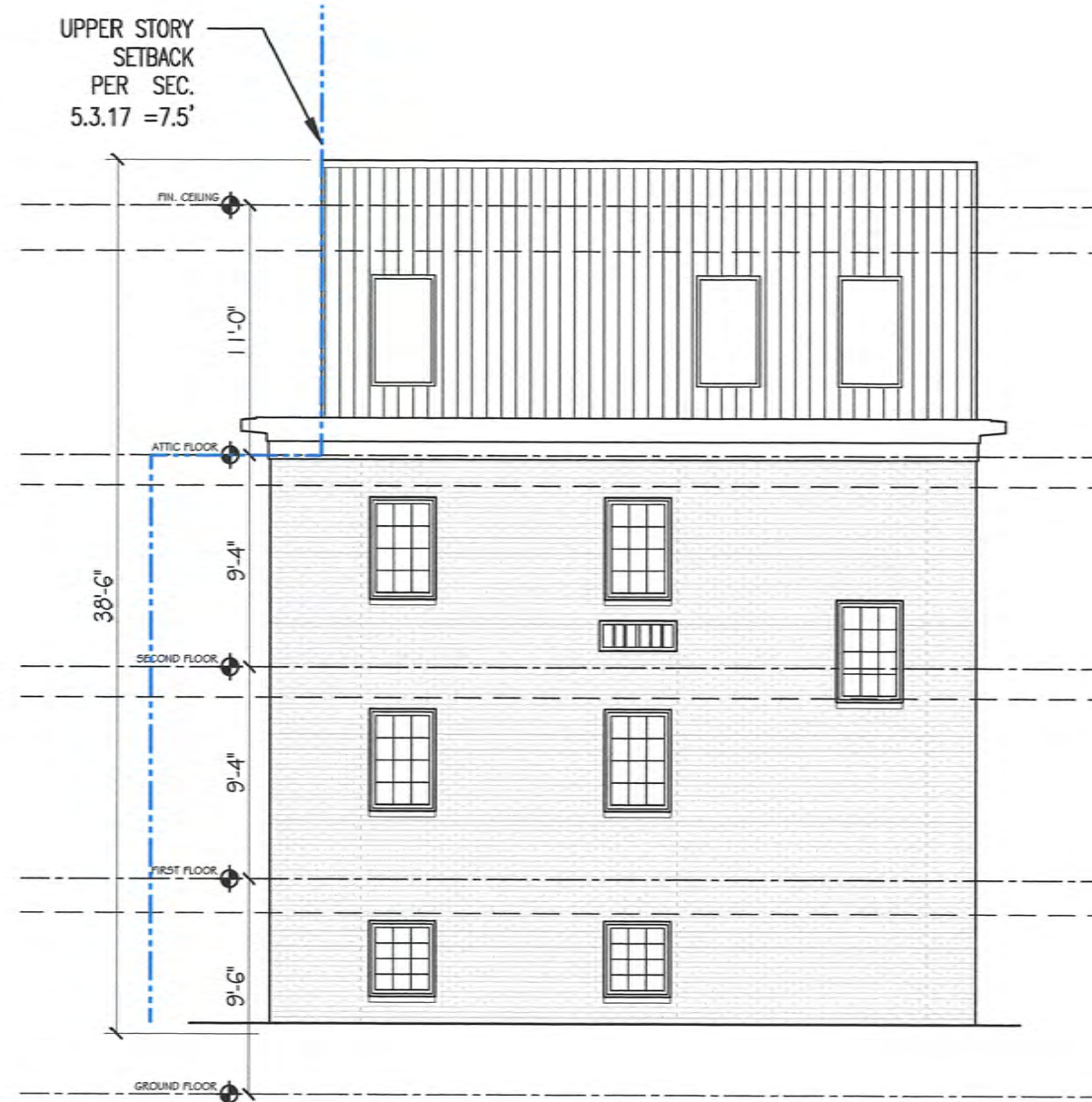
EXISTING ELEVATION- RIGHTHAND
1/8 = 1'-0"

PROPOSED ELEVATION- RIGHTHAND
1/8 = 1'-0"

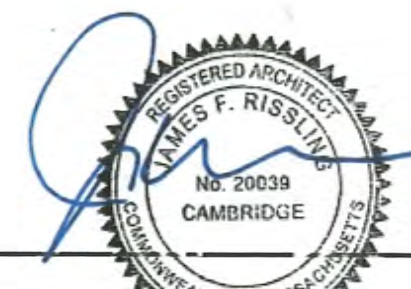




EXISTING ELEVATION- REAR
1/8" = 1'-0"



PROPOSED ELEVATION- REAR
1/8" = 1'-0"



Project Title:
99 Mass Ave
Arlington, MA

Drawing Title:
ELEVATIONS
EXISTING & PROPOSED

Revisions:
Description date

Project #
21041

Scale:
1/8" = 1'-0"

Date:
Oct. 31, 2022

Drawing #
A2.3

Project Title:
**99 Mass Ave
Arlington, MA**

Drawing Title:
**ELEVATIONS
EXISTING & PROPOSED**

Revisions:
Description date

Project #
21041

Scale:
1/8" = 1'-0"

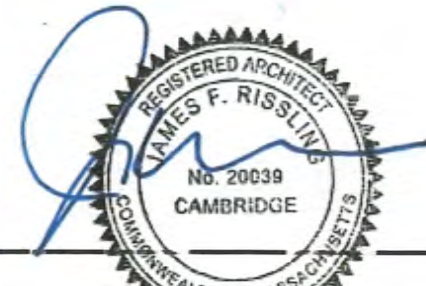
Date:
Oct. 31, 2022

Drawing #
A2.4



EXISTING ELEVATION- LEFTHAND
1/8 = 1'-0"

PROPOSED ELEVATION- LEFTHAND
1/8 = 1'-0"





Town of Arlington, Massachusetts

Continued Preliminary Discussion of Zoning Amendments

Summary:

8:00 p.m. Board will discuss potential zoning amendments, including a memorandum prepared regarding the Board's proposed list of zoning amendments and citizen petitions for Zoning Warrant Articles. This discussion and future discussions will inform the Warrant Article filing process for 2023 Annual Town Meeting.

- DPCD Memo to the Redevelopment Board re: proposed zoning amendments for 2023 Annual Town Meeting



Town of Arlington, Massachusetts

Correspondence Received

Summary:

Correspondence received from:
W. Evans 12012022

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Correspondence_from_W._Evans_received_12012022.pdf	Correspondence from W. Evans received 12012022

From: Wynelle Evans <evco7@rcn.com>
 To: rzseembery@town.arlington.ma.us, EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, sreivilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, cricker@town.arlington.ma.us
 Cc: spooler@town.arlington.ma.us
 Date: Thu, 1 Dec 2022 10:33:18 -0500
 Subject: making ARB meetings accessible to the greatest number

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Please add to Correspondence Received

Dear Members of the ARB, and Director Ricker:

Since I wrote the message below, I've heard more about the difficulties in setting up hybrid meetings.

In the interests of allowing real-time public participation, I'd like to request instead that the ARB return to meeting via zoom. I understand the Board's stated desire to hear from applicants in person, and the issue of occasional glitches in screen-sharing visuals. But the mission of Town boards and committees is not only to conduct business, but also to allow public participation.

The ARB considers issues of Town-wide importance, and often these issues may set precedents for future decisions. It is imperative that any interested resident be allowed to attend meetings and comment in real time.

With so many people, myself included, not comfortable with the idea of sitting in a room of unmasked people, whose health status can't be known, the Board can best fulfill its obligations and serve the Town by returning to zoom meetings, which were conducted successfully until this summer.

Governor Baker's extension of Covid-related measures for adherence to Open Meeting Laws strongly recommends that municipal public bodies provide real time public access to meetings, and suggests that these bodies consult with the Division of Open Government if they choose not to do so, given "the various free and low-cost technologies that could be used to provide the public with real time access." <https://www.mass.gov/service-details/updated-guidance-on-holding-meetings-pursuant-to-the-act-extending-certain-covid-19-measures>

I urge the Board to join the almost 40 other Town boards and committees that follow this recommendation and meet via zoom, and allow public participation for *all* residents, including those of us who choose to continue observing Covid protocols as case counts rise again, along with other potentially serious airborne diseases.

Thank you—
 Wynelle

Wynelle Evans
 TMM, Pct. 14
 781.859.9291 cell
evco7@rcn.com

From: Wynelle Evans <evco7@rcn.com>
Subject: a request for hybrid meetings, please
Date: November 10, 2022 at 2:13:39 PM EST
To: rzseembery@town.arlington.ma.us, EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, sreivilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, cricker@town.arlington.ma.us

35 of 39

Dear Members of the ARB, and Director Ricker:

I'm writing to ask that you add a hybrid option to your in-person meetings.

Many people, myself included, are still less-than comfortable spending extended time with indoor groups. And many people simply won't do it, so are unable to follow ARB discussions in real time, and speak up during open forum.

I took a look at the November calendar, which lists almost 40 board and commission meetings.

Three are hybrid:

Arlington Housing Authority
Arlington School Cmte., regular meeting
Remote Participation Study Cmte.

Five appear to meet in person only:

Board of Registrars
Cemetery Commission
Equal Opportunity Advocacy Cmte.
Arlington School Cmte., sub-cmte on curriculum, instruction, etc.
Arlington School Cmte., sub-cmte on policies and procedures

All others appear to meet via zoom.

As variants proliferate, we all start spending more time indoors, and Covid fatigue leads many to forgo safety measures, please make sure the more-vulnerable of our residents are able to participate by making a hybrid option available.

Many thanks!

Wynelle

Wynelle Evans
TMM, Pct. 14
781.859.9291 cell
evco7@rcn.com

Claire V. Ricker, AICP
Director
Department of Planning and Community Development
Town of Arlington
desk: 781-316-3092
mobile: 978-656-1325
email: cricker@town.arlington.ma.us

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

Updated guidance on holding meetings pursuant to the Act Extending Certain COVID-19 Measures

Guidance Update – February 18, 2022

On February 15, 2022, Governor Baker signed into law a new session law extending certain COVID-19 related measures. The new law, Chapter 22 of the Acts of 2022, includes an extension until July 15, 2022, of the remote meeting provisions of the Governor's March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law. The new law has two major parts.

First, the new law allows public bodies to continue providing live "adequate, alternative means" of public access to the deliberations of the public body, instead of holding meetings in a public place that is open and physically accessible to the public. "Adequate, alternative means" may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time.

Second, the new law authorizes all members of a public body to continue participating in meetings remotely; the Open Meeting Law's requirement that a quorum of the body and the chair be physically present at the meeting location remains suspended.

What means of access will be considered "adequate, alternative means?"

"Adequate, alternative means" may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body as they are occurring (i.e., "live" or "in real time"). The methods listed in the executive order and here are non-exhaustive, and we recognize that there are myriad methods that will be acceptable. "Adequate, alternative means" could include Zoom, a high-capacity telephone conference line, Facebook Live, YouTube Live, and broadcasting on live TV, including local cable access television. The brief delay of approximately 20 seconds when Zoom meetings are streamed to Facebook or YouTube Live is acceptable.

May a public body post a recording or transcript of the meeting afterwards, instead of providing access to the meeting as it is

occurring?

The executive order provides that a municipal public body that, for reasons of economic hardship and despite best efforts, is unable to provide alternative means of public access that will enable the public to follow the proceedings in real time, may instead post a full and complete transcript, recording, or other comprehensive record on its website as soon as practicable after the meeting. In light of the various free and low-cost technologies that could be used to provide the public with real time access, the Division of Open Government strongly recommends that a municipal public body consult with our office before determining that it is unable to provide the public with real time access to a meeting.

May public body members meet in person, while requiring the general public to follow the proceedings remotely?

Yes. Section (1) of the executive order allowing public access through adequate, alternative means is independent from Section (2), which allows members of the public body to participate remotely. The public body may conduct its proceedings under the relief provided in section (1) or (2) or both.

If a public body will provide access to its meeting through “adequate, alternative means,” what information must be included on the meeting notice?

Public bodies must continue to post notice of every meeting at least 48 hours in advance of the meeting, not including weekends or state holidays, using the official notice posting method (physical notice or website), even if the clerk’s office is closed. The notice must include the “location” of the meeting. If access to the meeting will be provided through “adequate, alternative means,” the meeting notice must include clear instructions for accessing the meeting remotely. A public body may require members of the public to call to obtain access information for the meeting, rather than including such information on the public meeting notice, to minimize Zoom-bombing and similar disruptions. In such situations, the meeting notice must include clear contact information, and members of the public must be able to obtain the meeting access information up to and throughout the duration of the meeting (members of the public cannot be required to register in advance).

What other requirements apply to remote meetings?

The Open Meeting Law regulations governing remote participation, 940 CMR 29.10, remain in effect, except where the Governor’s executive order specifically suspends certain requirements. In particular, when any—or all—public body members participate in a meeting remotely, the following requirements apply:

1. At the start of the meeting, the chair must announce the name of the member or members who are participating remotely; such information must also be recorded in the meeting minutes.
2. All votes must be taken by roll call.
3. Members of the public body must be clearly audible to each other and to members of the public at all times.

4. When holding an executive session remotely, the public body must still take all required procedural steps for entering into executive session in open session. At the beginning of the executive session, each public body member participating remotely must state that no other person is present or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

Should the public body encounter technical problems while meeting remotely, the person chairing the meeting may decide how to address the technical difficulties, but is encouraged wherever possible to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred must be noted in the meeting minutes.

What about public comment, public participation, and public hearings?

The Open Meeting Law does not require that public bodies allow public comment or public participation during meetings -- to the contrary, the Open Meeting Law specifies that nobody shall address the public body without permission of the chair. However, the Attorney General encourages public bodies to allow public comment and/or public participation when feasible. Because the Open Meeting Law does not require that public bodies allow for public comment or public participation during meetings at all, the manner that public bodies may choose to accept comment or questions is outside the scope of the Open Meeting Law. Public hearings, on the other hand, are governed by separate laws that impose additional requirements, and may require opportunity for public comment or testimony. Those requirements are outside the scope of the Open Meeting Law and therefore do not fall within the Division of Open Government's jurisdiction. Public bodies and members of the public should consult with legal counsel for guidance on the requirements for public hearings.



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